

By: Farrar

H.B. No. 3450

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the operations of public and private animal shelters, providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SHORT TITLE. This Act may be cited as the Companion Animal Protection Act of 2011.

SECTION 2. Chapter 823, Health and Safety Code, is amended by adding Section 823.010 to read as follows:

Sec. 823.010. STATEMENT OF LEGISLATIVE INTENT. (a) It is the intent of the State of Texas to curtail the killing of savable animals in the state. In order to accomplish this, the State of Texas finds and declares:

(1) protecting animals is a legitimate and compelling public interest;

(2) the killing of savable animals in animal shelters is a tragedy, the incidence of which ought to be curtailed;

(3) no animal should be killed if the animal can be placed in a suitable home, if a private sheltering agency or rescue group is willing to take care and custody of the animal for purposes of adoption, or, in the case of feral cats, if they can be sterilized and released to their habitats;

(4) animals held in shelters deserve proper care and humane treatment;

(5) shelters have a duty to make all savable animals

1 available for adoption for a reasonable period of time;

2 (6) owners of lost animals should have a reasonable
3 period of time within which to redeem their animals;

4 (7) shelters should not kill savable animals at the
5 request of their owners;

6 (8) all efforts should be made to encourage the
7 voluntary spaying and neutering of animals;

8 (9) when animals are killed, it should be done as
9 humanely and compassionately as possible;

10 (10) taxpayers and community members deserve full and
11 complete disclosure about how animal shelters operate;

12 (b) The State of Texas further finds and declares that all
13 public and private sheltering agencies that operate within the
14 state shall:

15 (1) commit themselves to ending the killing of savable
16 animals in their care and custody;

17 (2) work with other animal adoption organizations to
18 promote the adoption of animals and to reduce euthanasia rates;

19 (3) provide every animal in their custody with
20 individual consideration and care to the maximum extent
21 practicable;

22 (4) not ban, bar, limit or otherwise obstruct the
23 adoption of any animal based on arbitrary criteria, such as breed,
24 age, color, or other criteria except as to the individual animal's
25 medical condition or aggression, or the adopter's fitness to adopt.

26 SECTION 2. Chapter 823, Health and Safety Code is amended to
27 add Section 823.011 to read as follows:

1 Section 823.011. DEFINITIONS. For purposes of this Act,
2 the following definitions shall apply:

3 (a) a "Public Sheltering Agency" is an animal shelter or
4 animal adoption group that receives city, county or state funding
5 and/or has a contract with a city, county or state under which it
6 accepts stray or owner-relinquished animals.

7 (b) a "Private Sheltering Agency" is an animal shelter or
8 animal adoption group which is designated as a non-profit under
9 Section 501(c)(3) of the Internal Revenue Code which does not
10 receive city, county or state funding or have a contract with the
11 city, county or state under which it accepts stray or
12 owner-relinquished animals and is not operated from a private
13 residence.

14 (c) a "Rescue Group" is a collaboration of individuals not
15 operated for a profit, whose primary stated purpose is animal
16 protection, which places into new homes stray and/or
17 owner-relinquished animals and/or animals who have been removed
18 from a public or private sheltering agency. Individual rescuers
19 who keep animals in their own homes but are not part of a larger
20 collaboration are not a rescue group for purposes of this Act.

21 (d) an "Animal" is any domestic non-human living creature
22 normally kept as a pet, or a feral cat.

23 (e) an "Impounded animal" is any animal who enters a public
24 or private sheltering agency or rescue group regardless of whether
25 the animal is a stray, owner-relinquished, seized, taken into
26 protective custody, or transferred from another private or public
27 sheltering agency.

1 (f) a "Stray animal" is any animal who is impounded without
2 a known owner present at impound who is voluntarily relinquishing
3 custody.

4 (g) a "Savable animal" is any animal who is either healthy
5 or treatable, and is not a vicious or dangerous dog.

6 (h) a "Healthy animal" is any animal who is not sick or
7 injured.

8 (i) a "Treatable animal" is any animal who is sick or
9 injured, whose prognosis for rehabilitation of that illness and/or
10 injury is excellent, good, fair, or guarded as determined by a
11 veterinarian licensed to practice in this state.

12 (j) a "Non-rehabilitatable animal" is any animal with
13 severe illness or injury whose prognosis for rehabilitation is
14 either poor or grave as determined by a veterinarian licensed to
15 practice in this state.

16 (k) an "Irremediably Suffering animal" is any animal with a
17 medical condition who has a poor or grave prognosis for being able
18 to live without severe, unrelenting pain, as determined by a
19 veterinarian licensed to practice in this state.

20 (l) a "Feral Cat" is a cat who is free-roaming, unsocialized
21 to humans, and unowned.

22 (m) a "Feral Cat Caregiver" is someone who cares for feral
23 cats and has an interest in protecting the cats, but is not the
24 owner of those cats.

25 (n) an "Unweaned animal" is any neonatal animal who, in the
26 absence of his/her mother, requires supplemental bottle feeding by
27 humans in order to survive. In the case of puppies and kittens,

1 unweaned animals are animals who fit the above description and are
2 from 0 to 4 weeks of age.

3 (o) a "Litter of animals" includes two or more animals who
4 are under twelve weeks of age as determined by a veterinarian
5 licensed to practice medicine in this state, or by a veterinary
6 technician or veterinary assistant working under the direction of a
7 veterinarian licensed to practice medicine in this state.

8 (p) a "Vicious Dog" is a dog who exhibits aggression to
9 people even when the dog is not hungry, in pain, or frightened, and
10 whose prognosis for rehabilitation of that aggression is poor or
11 grave as determined by a trained behaviorist who is an expert on
12 canine behavior.

13 (q) a "Dangerous Dog" is a dog adjudicated to be vicious by a
14 court of competent jurisdiction and where all appeals of that
15 judicial determination have been unsuccessful.

16 SECTION 3. Chapter 823, Health and Safety Code is amended to
17 add Section 823.012 to read as follows:

18 Section 823.012. STERILIZATION REQUIREMENTS. (a) Except
19 as otherwise provided in this section, no public or private
20 sheltering agency or rescue group shall sell, adopt, or give away
21 to a new owner any dog, cat, rabbit, or other animal who has not been
22 spayed or neutered, except that this section shall not apply to
23 reptiles, amphibians, birds, fish, and small animals such as mice
24 and hamsters, where the anesthesia or sterilization procedure is
25 likely to result in the animal's death.

26 (b) If a veterinarian licensed to practice veterinary
27 medicine in this state certifies that an animal is too sick or

1 injured to be spayed or neutered, or that it would otherwise be
2 detrimental to the health of the animal to be spayed or neutered,
3 the adopter or purchaser shall be exempt from the requirements of
4 this Section.

5 SECTION 4. Chapter 823, Health and Safety Code is amended by
6 adding Section 823.013 to read as follows:

7 Section 823.012. OFFENSES AND PENALTIES. (a) A person is
8 subject to civil penalties of not less than two hundred dollars
9 (\$200) or more than five hundred dollars (\$500) if that person does
10 any of the following:

11 (1) falsifies any proof of spaying or neutering
12 submitted for the purpose of compliance with this Act;

13 (2) intentionally issues a check for insufficient
14 funds for any spaying or neutering deposit required under this Act;

15 (3) falsifies a signed letter from a veterinarian
16 submitted for the purpose of compliance with this Act, certifying
17 that an animal is too sick or injured to be spayed or neutered.

18 (b) An action for a penalty proposed under this section may
19 be commenced in a court of competent jurisdiction by the
20 administrator of the public or private animal sheltering agency or
21 rescue group from which the recipient obtained the animal who is the
22 subject of the violation.

23 (c) All penalties collected under this section shall be
24 retained by the agency bringing the action under subsection (b) to
25 be used solely for programs to spay or neuter animals.

26 SECTION 5. Chapter 823, Health and Safety Code is amended to
27 add Section 823.014 to read as follows:

1 Section 823.014. FERAL CATS. (a) Caretakers of feral cats
2 shall be exempted from any provision of law proscribing the feeding
3 of stray animals, requiring permits for the feeding of animals,
4 requiring the confinement of cats, or limiting the number of
5 animals a person can own, harbor, or have custody of, except that
6 nothing in this section shall be construed to limit the enforcement
7 of a statute having as its effect the prevention or punishment of
8 animal neglect or cruelty, so long as such enforcement is based on
9 the conditions of animals, and not based on the mere fact that a
10 person is feeding feral cats in a public or private location.

11 (b) In order to encourage spay/neuter of feral cats and to
12 protect cats, public or private sheltering agencies or rescue
13 groups shall not lend, rent, or otherwise provide traps to the
14 public to capture cats, except to a person for the purpose of
15 catching and reclaiming that person's wayward cat(s), to capture
16 injured or sick cats or cats otherwise in danger, to capture feral
17 kittens for purposes of taming and adoption, or, in the case of
18 feral cats, for purposes of spay/neuter and subsequent re-release;

19 (1) For purposes of this subsection, the location of
20 the cats, without more, does not constitute "otherwise in danger";

21 (2) A person is subject to civil penalties of not less
22 than two hundred dollars (\$200) or more than five hundred dollars
23 (\$500) if that person uses a trap from a public or private
24 sheltering agency or rescue group for purposes other than those
25 enumerated above.

26 (c) An action for a penalty proposed under this section may
27 be commenced in a court of competent jurisdiction by the

1 administrator of the public or private animal sheltering agency or
2 rescue group from which the recipient obtained the trap that is the
3 subject of the violation.

4 (d) All penalties collected under this section shall be
5 retained by the agency bringing the action under subsection (c) to
6 be used solely for programs to spay or neuter animals.

7 SECTION 6. Chapter 823, Health and Safety Code is amended by
8 adding Section 823.015 to read as follows:

9 Section 823.015. HOLDING PERIODS. (a) The required
10 holding period for a stray animal impounded by any public or private
11 sheltering agency shall be at least five business days, not
12 including the day of impoundment, unless otherwise provided in this
13 section:

14 (1) Stray animals without any form of identification
15 and without a known owner shall be held for owner redemption during
16 the first two days of the holding period, not including the day of
17 impoundment, and shall be available for owner redemption, transfer,
18 and adoption for the remainder of the holding period;

19 (2) Stray animals may be adopted into new homes or
20 transferred to a rescue group or private sheltering agency for the
21 purpose of adoption after the first two days of the holding period,
22 not including the day of impoundment, except as provided in
23 subsections (a)(3) to (9);

24 (3) If a stray animal is impounded with a license tag,
25 microchip, or other form of identification, or belongs to a known
26 owner, the animal shall be held for owner redemption during the
27 first three days of the holding period, not including the day of

1 impoundment, and shall be available for owner redemption, transfer,
2 and adoption for the remainder of the holding period;

3 (4) Litters of animals or individual members of a
4 litter of animals, including the nursing mother, and unweaned
5 animals may be transferred to a private sheltering agency or rescue
6 group for the purpose of adoption immediately after impound;

7 (5) Individual members of litters of animals who are
8 at least six weeks of age, including the mother, may be adopted
9 immediately upon impound;

10 (6) A feral cat caregiver has the same right of
11 redemption for feral cats as an owner of a pet cat, without
12 conferring ownership of the cat(s) on the caregiver;

13 (7) Irremediably suffering animals may be euthanized
14 without delay, upon a determination made in writing and signed by a
15 veterinarian licensed to practice medicine in this state. That
16 certification shall be made available for free public inspection
17 for no less than three years;

18 (8) Symptomatic dogs with confirmed cases of
19 parvovirus or cats with confirmed cases of panleukopenia may be
20 euthanized without delay, upon a certification made in writing and
21 signed by a veterinarian licensed to practice medicine in this
22 state that the prognosis is poor even with supportive care. That
23 certification shall be made available for free public inspection
24 for no less than three years;

25 (9) Unweaned animals impounded without their mother
26 may be killed so long as the shelter has exhausted all efforts to
27 place the animals in foster care, made an emergency appeal under the

requirements of Section 9, and certified that it is unable to provide the needed care and feeding in its facility. That certification shall also state in clear and definitive terms why the agency is unable to place the animals in foster care, which private sheltering agencies and rescue groups it made an appeal to, and what would be required in the future in order to provide the needed care and feeding in foster care or its facility, and what steps are being taken to do so. This certification shall be made in writing, signed by the director of the agency or by a veterinarian, and be made available for free public inspection for no less than three years.

SECTION 7. Chapter 823, Health and Safety Code, is amended by adding Section 823.016 to read as follows:

Section 823.016. SPECIAL PROVISIONS RELATED TO OWNER-RELINQUISHED ANIMALS. (a) The required holding period for an owner relinquished animal impounded by public or private sheltering agencies shall be the same as that for stray animals and applies to all owner relinquished animals, except as follows:

(1) Any owner-relinquished animal that is impounded shall be held for adoption or for transfer to a private sheltering agency or rescue group for the purpose of adoption for the entirety of the holding period;

(2) Owner-relinquished animals may be adopted into new homes or transferred to a private sheltering agency or rescue group for the purpose of adoption at any time after impoundment.

(b) When an animal is surrendered or brought to a shelter to be killed at the owner's request, the animal shall be subject to the

1 same holding periods and the same requirements of all owner
2 relinquished animals notwithstanding the request.

3 (c) An animal seized by an officer of a public or private
4 sheltering agency under the provisions of a state statute having as
5 its effect the prevention or punishment of animal neglect or
6 cruelty, or seized under the provision of state dangerous dog laws
7 or under state quarantine or disease control regulations, shall be
8 impounded and held as consistent with the requirements of those
9 laws, except that holding periods under this Chapter shall be
10 observed to the maximum extent practicable.

11 SECTION 8. Chapter 823, Health and Safety Code, is amended
12 by adding Section 823.021 to read as follows:

13 Section 823.021. ADDITIONAL PROGRAMS AND DUTIES. (a) All
14 public and private sheltering agencies that kill animals shall
15 maintain a registry of organizations willing to accept animals for
16 the purposes of adoption, as follows:

17 (1) All public or private sheltering agencies, and
18 rescue groups designated as non-profits by Section 501(c)(3) of the
19 Internal Revenue Code, shall be immediately placed on this registry
20 upon their request, regardless of the organizations' geographical
21 location or any other factor except as described under subsection
22 (a)(5);

23 (2) The public or private sheltering agency may, but
24 is not required to, include on the registry any rescue groups that
25 are not designated as non-profits under Section 501(c)(3) of the
26 Internal Revenue Code;

27 (3) The registry shall include the following

1 information as provided by the registered organization:
2 organization name, mailing address, and telephone number; website
3 and e-mail address, if any; emergency contact information for the
4 organization; the types of animals about whom the organization
5 wishes to be contacted, including species-type and breed; and
6 whether or not the organization is willing and able to care for
7 unweaned animals, sick or injured animals, and/or feral or
8 aggressive animals;

9 (4) All public and private sheltering agencies shall
10 seek organizations to include on the registry;

11 (5) A public or private sheltering agency may refuse
12 to include an organization on the registry, or delete it from the
13 registry, until such time as this is no longer the case, if any of
14 the organization's current directors and/or officers have been
15 convicted in a court of competent jurisdiction of a crime
16 consisting of cruelty to animals or neglect of animals; or if such
17 charges are pending against any of the organization's current
18 directors or officers; or if that organization or its current
19 directors or officers are constrained by a court order or legally
20 binding agreement that prevents the organization from taking in or
21 keeping animals. An agency may require an organization to disclose
22 any or all convictions, charges, and legal impediments described in
23 this subsection;

24 (6) A public or private sheltering agency may require
25 that registered organizations provide the following summary
26 information on no more than a monthly basis: the total number of
27 animals the organization has taken from the agency who have been

1 adopted, died, were transferred, were killed, and are still under
2 the organization's care. This information may be provided in an
3 informal format, such as via electronic mail;

4 (7) A public or private sheltering agency shall not
5 demand additional information, other than that described in this
6 section, as a prerequisite for including an organization on the
7 registry or for continuing to maintain that organization on the
8 registry.

9 (b) No public or private sheltering agency may kill an
10 animal unless and until the agency has notified, or made a
11 reasonable attempt to notify, all organizations on the registry
12 described in subsection (a) that have indicated a willingness to
13 take an animal of that type.

14 SECTION 9. Chapter 823, Health and Safety Code, is amended
15 by adding Section 823.022 to read as follows:

16 Section 823.022. LOST ANIMALS. (a) All public and private
17 sheltering agencies shall take appropriate action to ensure that
18 all animals are checked for all currently acceptable methods of
19 identification, including microchips, identification tags, and
20 licenses. All public and private sheltering agencies shall
21 maintain continuously updated lists of animals reported lost, and
22 match these lost reports with animals reported found and animals in
23 the shelter, and shall also post all stray animals on the Internet
24 with sufficient detail to allow them to be recognized and claimed by
25 their owners. If a possible owner is identified, the agencies shall
26 undertake reasonable efforts to notify the owner or caretaker of
27 the whereabouts of the animal and any procedures available for the

1 lawful recovery of the animal. These efforts shall include, but are
2 not limited to, notifying the possible owner by telephone, mail,
3 and personal service to the last known address. Upon the owner's or
4 caretaker's initiation of recovery procedures, the agencies shall
5 retain custody of the animal for a reasonable period of time to
6 allow for completion of the recovery process. Efforts to locate or
7 contact an owner or caretaker, and communications with persons
8 claiming to be owners or caretakers, shall be recorded and be made
9 available for free public inspection for no less than three years.

10 SECTION 10. Chapter 823, Health and Safety Code is amended
11 by adding Section 823.024 to read as follows:

12 Section 823.024. LIMITATION ON ADOPTION CRITERIA. (a) No
13 public or private sheltering agency shall ban, bar, limit or
14 otherwise obstruct the adoption of any animal based on arbitrary
15 criteria, such as breed, age, color, or any other criteria except as
16 to the individual animal's medical condition and aggression, or the
17 adopter's fitness to adopt.

18 SECTION 11. Chapter 823, Health and Safety Code is amended
19 by adding Section 823.025 to read as follows:

20 Section 823.025. REQUIRED SERVICES. (a) Every public
21 sheltering agency shall provide the following public services:

- 22 (1) low-cost spay/neuter services for animals;
23 (2) volunteer opportunities for people to assist the
24 shelter, including fostering animals, socializing animals,
25 assisting with adoptions, and otherwise helping in the operations
26 of the shelter;
27 (3) programs to assist people in overcoming situations

1 that may cause them to relinquish or abandon their animals,
2 including, but not limited to, programs that address animal
3 behavior problems, medical conditions, and environmental
4 conditions.

5 (b) Nothing in this section shall prohibit an agency from
6 enacting reasonable rules to facilitate the orderly operation of
7 these programs, so long as the rules are designed to meet the goals
8 of this Act.

9 SECTION 12. Chapter 823, Health and Safety Code is amended
10 by adding Section 823.030 to read as follows:

11 Section 823.025. PROHIBITION ON ADOPTION FOR CERTAIN
12 PURPOSES. (a) No person shall procure or use any living animal
13 from a public or private sheltering agency or rescue group for
14 medical or biological teaching, research or study. No hospital,
15 educational or commercial institution, laboratory, or animal
16 dealer, whether or not such dealer is licensed by the United States
17 Department of Agriculture, shall purchase or accept any living
18 animal from a public or private sheltering agency, rescue group,
19 commercial kennel, kennel, peace officer, or animal control
20 officer.

21 (b) No public or private sheltering agency, rescue group,
22 commercial kennel, kennel, peace officer, or animal control officer
23 shall sell, adopt, transfer, or give away any living animal to a
24 person, hospital, educational or commercial institution,
25 laboratory, or dealer in animals, whether or not such dealer is
26 licensed by the United States Department of Agriculture, for
27 purposes of medical or biological teaching, research or study.

SECTION 13. Chapter 823, Health and Safety Code is amended by adding Section 823.031 to read as follows:

Section 823.031. PRECONDITIONS FOR EUTHANASIA. (a) No savable animal in a public or private sheltering agency shall be killed simply because the holding period has expired. Before an animal is killed, all of the following conditions must be met:

(1) there are no empty cages, kennels, or other living environments in the shelter;

(2) the animal cannot share a cage or kennel with another animal;

(3) a foster home is not available;

(4) organizations listed on the registry described in Section 9 are not willing to accept the animal;

(5) the animal is not a feral cat subject to sterilization and release; and

(6) the director of the agency certifies he or she has no other alternative, or the director certifies that failure to euthanize the animal would constitute an unsustainable burden on the agency.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SECTION 14. Chapter 823, Health and Safety Code is amended by adding Section 823.032 to read as follows:

Section 823.032. EUTHANASIA PROCEDURES. (a) All animals impounded by a public or private sheltering agency or rescue group

1 shall be killed only when necessary and consistent with the
2 requirements of this Act, and the killing shall be accomplished by
3 lethal intravenous injection of sodium pentobarbital, except as
4 follows:

5 (1) intraperitoneal injections may be used only under
6 the direction of a licensed veterinarian, and only when intravenous
7 injection is not possible for infant animals, companion animals
8 other than cats and dogs, feral cats, or in comatose animals with
9 depressed vascular function.

10 (2) intracardiac injections may be used only when
11 intravenous injection is not possible for animals who are
12 completely unconscious or comatose, and then only under the
13 direction of a veterinarian.

14 (b) No animal shall be allowed to witness any other animal
15 being killed or being tranquilized/sedated for the purpose of being
16 killed or see the bodies of animals which have already been killed.

17 (c) Animals shall be sedated/tranquilized as necessary to
18 minimize their stress or discomfort, or in the case of vicious
19 animals, to ensure staff safety, except that neuromuscular blocking
20 agents shall not be used.

21 (d) Following their injection, animals shall be lowered to
22 the surface on which they are being held and shall not be permitted
23 to drop or otherwise collapse without support.

24 (e) An animal may not be left unattended between the time
25 procedures to kill the animal are commenced and the time death
26 occurs, nor may the body be disposed of until death is verified.

27 (f) Verification of death shall be confirmed for each animal

in at least two of the following ways:

(1) by lack of heartbeat, verified by a stethoscope;

(2) by lack of respiration, verified by observation;

(3) by pale, bluish gums and tongue, verified by observation; and

(4) by lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.

(g) The room in which animals are killed shall be cleaned and regularly disinfected as necessary.

(h) A veterinarian licensed to practice veterinary medicine in this state or a trained euthanasia technician shall perform the euthanasia procedures.

SECTION 15. Chapter 823, Health and Safety Code is amended by adding Section 823.035 to read as follows:

Section 823.035. ADDITIONAL REPORTING REQUIREMENTS. (a) All public or private sheltering agencies shall prepare a written monthly summary by the tenth day of the month that includes the following information by species-type:

(1) the number of animals impounded during the previous month;

(2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous month;

(3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous month;

1 (4) the number of animals who died, were lost, and/or
2 were stolen while in the direct or constructive care of such agency
3 during the previous month;

4 (5) the number of animals who were adopted or returned
5 to prior owners during the previous month;

6 (6) the number of animals who were transferred to
7 other organizations for adoption during the previous month; and

8 (7) the number of animals impounded into the reporting
9 agency from outside the reporting agency's normal city or county
10 service area during the previous month.

11 (b) An agency shall retain copies of the summaries required
12 by (a) for at least three calendar years and shall make such
13 summaries available for public inspection.

14 SECTION 16. Chapter 823, Health and Safety Code is amended
15 by adding Section 823.037 to read as follows:

16 Section 823.037. ENFORCEMENT AND REMEDIES. Any public or
17 private sheltering agency or rescue group may compel a public or
18 private sheltering agency to follow the mandates of this Act
19 through a lawsuit asking a court of competent jurisdiction to grant
20 declaratory and injunctive relief including, but not limited to:
21 restraining orders, preliminary injunctions, injunctions, writs of
22 mandamus and prohibition, and other appropriate remedies at law
23 which will compel compliance with this Act.

24 SECTION 17. Chapter 823, Health and Safety Code is amended
25 by adding Section 823.038 to read as follows:

26 Section 823.038. SEVERABILITY. (a) If the provisions of
27 any article, section, subsection, paragraph, subdivision or clause

of this Act shall be adjudged invalid by a court or other tribunal
of competent jurisdiction, such determination, order, or judgment
shall not affect or invalidate the remainder of any article,
section, subsection, paragraph, subdivision or clause of this Act.
Any such invalidity shall be confined in its operation to the
clause, sentence, paragraph, section or article thereof directly
involved in the controversy in which such determination, order, or
judgment shall have been rendered.

SECTION 18. This Act takes effect September 1, 2011.